

FARKAS & MANELLI PLLC
ATTORNEYS

February 28, 2000

VIA HAND-DELIVERY

Ms. Esther Kepplinger
Director of Group 1700
United States Patent & Trademark Office
Washington, D.C. 20231

Re: Improper Withdrawal From Issuance of
U.S. Patent Application Ser. No. 09/009,294

Dear Ms. Kepplinger:

This letter is a follow-up to our telephone conversations of last week concerning recent actions taken by the U.S. Patent and Trademark Office, which, as indicated in the attached February 17, 2000 Notice from the Office of Petitions, has resulted in the withdrawal from issuance of Patent Application Ser. No. 09/009,294. This application was due to issue as U.S. Patent No. 6,030,601 on February 29, 2000.

As I understand it, these actions were based on U.S. Patent Office concerns that the technology developed by inventor Dr. Randell L. Mills and disclosed in the subject patent application, and perhaps in other allowed applications and a prior issued patent of Mills, represents "unproven science," such as "cold fusion." I am writing to allay those concerns and to assure you that they are unfounded inasmuch as this technology has been subject to extensive testing and proven beyond argument to work. The results of that testing have already been presented and positively considered by the U.S. Patent Office and embraced by highly reputable companies, not to mention the U.S. Navy and the American Chemical Society.

Before proceeding any further, let me just say that I appreciate the courtesy you extended in taking my calls inquiring into this matter and the circumstances surrounding this rather unusual turn of events. I gathered from your comments that you share my desire to resolve this matter as directly and expeditiously as possible, and it is my sincere hope that this letter, as the first step in that process, will convince you that there is no need for further examination of the '294 patent application and that it should be immediately allowed to issue.

As I stated during our conversations, this application, as well as the other allowed Mills applications assigned to my client, Blacklight Power Inc., represents a significant advance in the

chemical arts. The underlying technology disclosed in these applications is the culmination of over ten years of research and the expenditure of over ten million dollars invested by well-known companies, such as AMP Corporation, Connectiv, and PacificCorp, companies that would not dare risk their business reputations on "unproven science."

To be sure, Dr. Mills' technology has undergone rigorous testing by over 25 well-known independent laboratories and has been shown to be based on sound scientific principles and, more importantly, shown to work precisely as described in Mills' '294 patent application. Based on his startling discoveries, Dr. Mills was bestowed the honor of addressing the October 1999 meeting of the American Chemical Society (ACS) in California, during which he presented to an enthusiastic and receptive audience the test results for the very compounds disclosed and claimed in that application. Also a featured speaker at this meeting was Dr. Johannes Conrads, retired Director and Chairman of the Board of the Institute for Low Temperature Plasma Physics at Ernst Moritz Arndt University in Greifswald, Germany. Dr. Conrads, considered by many to be one of Germany's top physicists, tested the Mills technology himself and reported to the ACS that it produced an energetic plasma in hydrogen with no power input, conclusively demonstrating a new source of chemical energy from hydrogen never before seen. Dr. Conrads, and the four other top scientists who assisted in this testing, would not put their professional reputations in jeopardy for the sake of "unproven science."

These positive test results also have not escaped the attention of the U.S. Government. Following a thorough review, the United States Navy has taken affirmative steps to develop applications based on the Mills technology in cooperation with Blacklight Power.

In view of the allowance of this and other patent applications of Dr. Mills, the issuance of U.S. patent No. 6,024,935 to Dr. Mills, and other highly-desirable commercial applications of the Mills technology, Blacklight Power's management has committed to the process of going public and has limited its choice of underwriter to either Morgan Stanley or Goldman Sachs, two of Wall Street's top investment firms who also share an interest in carefully guarding their business reputations. Indeed, this process is now in the latter stages, with the filing statement for the IPO scheduled for late March. The market capitalization for this public offering is expected to exceed one billion dollars based on current market conditions. Blacklight Power's current private market capitalization is already in excess of 340 million dollars, based on the last private placement that was oversubscribed.

This enthusiastic public response to Blacklight Power and the revolutionary technology it developed did not just happen by chance. The company has been built upon a rock solid foundation of top-notch scientists and leaders in chemistry and physics. Included among the distinguished board members of Blacklight Power are: Dr. Shelby T. Brewer, M.S. and PhD. degrees from MIT in Nuclear Engineering, former Assistant Secretary of the Department of Energy and former Chief Executive Officer of Combustion Engineering's Nuclear Business; George A. Sawyer, former Assistant Secretary of the Department of Navy; David Blake presently with Connectiv and formerly a top manager with Du Pont and Hurcules Chemical Specialties

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based on a whim and unsubstantiated "cold fusion" accusations by unnamed parties undermines the integrity of the U.S. Patent Office and, indeed, the entire U. S. patent system.

In an effort to better understand the underlying basis for the PTO's actions and to bring this matter to a swift conclusion, we respectfully request a meeting with you and whoever else you deem to be appropriate, to discuss this matter further before any Office Actions are issued in the subject '294 patent application or in any other presently allowed application, and before any Reexamination of the '935 patent that would drag this matter out before the public.

Since the U.S. Patent Office was unable to locate a copy of the prosecution history for the subject patent application as of February 25, 2000, more than one week after Ms. Hicks signed the petition, we have enclosed a courtesy copy of our prosecution file history for your review in this matter.

Thank you for your attention to this matter and we look forward to your prompt reply.

Sincerely yours.



Jeffrey S. Melcher
Reg. No. 35,950
Tel. No.: 202.261.1045

Attachments

Cc: The Honorable Todd Dickinson - Commissioner of Patents
Robert Spar - Director of Special Programs
Francis Hicks - Petitions Examiner
Stephen Kalafut - Primary Examiner Group 1700
Wayne Langel - Primary Examiner Group 1700